

### **DETAILED ACTION**

**Claims 1-2, 5-9, 11-15, 17-18, 21, 23-25, 27-29, and 46, lack novelty under PCT Article 33(2) as being anticipated by Fargano (USPN 6,257,896).**

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2, 5-9, 11-15, 17-18, 21, 23-25, 27-29, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Fargano (USPN 6,257,896).**

Regarding claim 1, Fargano discloses a method for accessing educational material, comprising: using a cellular device to access educational materials; and using the cellular device to answer questions related to the materials, whereby successful answering serves to earn continuing education credits (Col. 1, lines 31-44; Col. 4, lines 11-17).

Regarding claims 2 and 21, Fargano discloses a method further comprising using a cellular device to answer questions (Col. 4, lines 11-17; Col. 7, lines 38-42).

Regarding claim 5, Fargano discloses a system for providing access to educational materials, comprising: a server 112 having access to a database 114 storing educational materials, the server and database being accessible via a cellular connection (Col. 1, lines 31-44; Col. 4, lines 11-17).

Regarding claims 6 and 17, Fargano discloses a system wherein the server further stored data representative of user access to the educational materials (Col. 6, lines 15-18).

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Regarding claims 7, 18, and 27, Fargano discloses a system wherein the server is accessible via the Internet (Col. 2, lines 16-17).

Regarding claim 8, Fargano discloses a system wherein the database further maintains educational questions, which if successfully answered, serve to verify user access of the educational materials (See Figs. 1 and 5).

Regarding claim 9, Fargano discloses a system wherein the database stores data representative of continuing education credits earned by a user (Col. 1, lines 41-43).

Regarding claims 11 and 23, Fargano discloses a system, wherein the educational materials are audio files (Col. 2, lines 5-9)

Regarding claims 12 and 24, Fargano discloses a system, wherein the educational materials are image files (Col. 6, line 49)

Regarding claim 13, Fargano discloses a system wherein the server comprises a voice response system to provide a means for user access to the educational materials (Col. 2, lines 5-9).

Regarding claim 14, Fargano discloses a system wherein the server comprises an automated number identification system to provide a means for user access to educational materials (Col. 5, lines 33-40).

Regarding claim 15, Fargano discloses a method for providing educational materials to a user, comprising: using a cellular device to access a database of educational materials; and using the cellular device to answer questions related to the materials (Col. 1, lines 31-44; Col. 4, lines 11-17); and maintaining a history of the user access to the database (Col. 6, lines 15-18).

Regarding claim 25, Fargano discloses a method for providing educational materials to a user, comprising: using a cellular device to access educational materials; and using the cellular device to answer questions related to the materials, whereby successful answering of

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the questions serves to earn continuing education credits (Col. 1, lines 41-43, Col. 4, lines 11-17).

Regarding claim 28, Fargano discloses a method wherein the educational materials are accessed via a telephone network (See Fig. 6).

Regarding claims 29, Fargano discloses a method wherein the educational materials are (as per claim 29) accessible in timed segments (See Col. 3, lines 24-30).

Regarding claim 46, Fargano discloses a method wherein the educational materials comprise multiple segments that are individually accessible (Col. 3, lines 17-42).

**Claims 31, 33-42, and 44-45, are rejected under 35 U.S.C. 102(b) as being anticipated by Fargano (USPN 6,257,896).**

Regarding claims 31, 34, and 37 Abecassis discloses a method for redeeming rewards associated with advertising, comprising: receiving with a cellular device an advertisement including data representative of the reward; and causing the cellular device to download the data onto a docking station of a retailer for validation that the reward (as per claim 31) is redeemable (Col. 47, lines 41-45; Col. 48, lines 36-67).

Regarding claim 33, Abecassis discloses a method comprising using the docking device to upload new advertising to the cellular device (Col. 48, lines 60-67).

Regarding claim 35, Abecassis discloses a method wherein the account is a cellular phone account and the credit comprises usage minutes (Col. 47, lines 46-56).

Regarding claim 36, Abecassis discloses a method wherein the account is a credit card account and the credit comprises a dollar value (Col. 49, lines 40-41).

Regarding claim 38, Abecassis discloses a method wherein confirmation is received via the cellular device (Col. 47, lines 47-49).

Regarding claim 39, Abecassis discloses a method wherein confirmation comprises the user interacting with keys of the cellular device (Col. 49, lines 21-25).

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Regarding claim 40, Abecassis discloses a method wherein confirmation comprises providing a voice response to the cellular device (Col. 51, line 63- Col. 52, line 4).

Regarding claim 41, Abecassis discloses a method comprising providing a prompt for eliciting the voice response (Col. 51, line 63- Col. 52, line 4).

Regarding claim 42, Abecassis discloses a method wherein the prompt comprises a question related to the advertisement (See Fig. 11B, ref. 1152).

Regarding claim 44, Abecassis discloses a method wherein the rewards comprise cellular minutes (Col. 47, lines 47-56).

Regarding claim 45, Abecassis discloses a method wherein the rewards comprise a cash value for discounting merchandise (Col. 48, lines 45-50).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 30, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargano (USPN 6,257,896).**

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Regarding claims 30 and 37, Fargano discloses all of the claimed subject matter with the exception of explicitly disclosing that the educational segments are (as per claim 30) less than an hour or (as per claim 37) 10 to 15 minutes in length. However, Fargano discloses that the educational segments should be short, quick challenges that are answered on the spot or in a short amount of time. Hence, it would have been obvious to one of ordinary skill in the art to prescribe exercises that are less than one hour or between 10 to 15 minutes, thereby setting a time limit for a user to reply to an exercise question (See Fargano, col. 3, lines 24-30).

Regarding claim 48, Fargano discloses all of the claimed subject matter with the exception of explicitly disclosing that the educational segments are medical detailing advertisements. However, it would have been obvious an obvious matter of design choice for choosing a particular educational topic, wherein no stated problem is solved or unexpected result obtained by prescribing an educational topic of medical detailing advertisements.

**Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fargano (USPN 6,257,896) in view of Lee et al. (USPN 5,267,865; hereinafter Lee).**

Regarding claim 4, Fargano discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of allowing a user to request that access to the educational materials be stopped and that the educational materials be book marked. However, Lee discloses an educational system that allows a user to stop an educational session and save its current position, so that the user can later return to the same position (Col. 6, lines 31-42). Hence, in view of Lee, it would have been obvious to an artisan to modify the educational system described in Fargano, by allowing a user to stop and bookmark a position, thereby allowing the user to return to the same position at a later time.

**Claims 3, 10, 16, 19-20, 22, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargano (USPN 6,257,896) in view of Abecassis (USPN 5,684,918).**

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Regarding claims 10 and 16, Fargano discloses all of the claimed subject matter with the exception of explicitly disclosing a change in cellular minutes in response to a user accessing educational materials. However, Abecassis discloses a system that delivers educational content to cellular devices (Col. 6, lines 25-33; Col. 7, lines 30-35), wherein cellular minutes are adjusted based on a user accessing educational materials (Col. 36, lines 10-16, 27-35; Col. 47, lines 47-55). Hence, it would have been obvious to one of ordinary skill in the art to modify the cellular device described in Fargano, by adjusting cellular minutes when a user accesses educational content, in order to reward the user for viewing specific types of educational content.

Regarding claim 26, Fargano discloses all of the claimed subject matter with the exception of explicitly disclosing that the educational materials are broadcast via a satellite network. However, Abecassis discloses an educational system that broadcasts educational content via a satellite network (Col. 7, lines 30-37). Hence, in view of Abecassis, it would have been obvious to one of ordinary skill in the art to modify the method of broadcasting, by using a satellite network in order to deliver the content to users in various geographical locations.

Regarding claims 3 and 19-20, 22 Fargano discloses a method wherein a user is instructed to use a cellular device to answer a question (Col. 7, lines 38-42). It is not explicitly stated that the answer comprises speaking into the device. However, Abecassis discloses an educational system that allows a user to speak into a cellular device to input information (Col. 51, lines 66-67). Hence, it would have been obvious to one of ordinary skill in the art to modify the method of answering a question, as described in Fargano, by allowing a user to answer a question by speaking into the cellular device, in thereby not requiring the user to pull the cellular device away from his/her ear to input answers with the keypad of the cellular device.

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**Claim 32 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (USPN 5,684,918).**

Regarding claim 32, Abecassis discloses all of the claimed subject matter with the exception of explicitly disclosing that the advertising is erased after viewing is validated. However, it would be obvious to one of ordinary skill in the art to modify the advertisement viewing system described in Abecassis by erasing the advertisement after viewing validation, in order to minimize unintended user of the system, by prohibiting repeated viewing of an advertisement in order to gain credit (See Abecassis, col. 48, lines 30-36).

Regarding claim 43, Abecassis discloses all of the claimed subject matter with the exception of explicitly disclosing that the rewards are airline miles. However, it would have been obvious to one of ordinary skill in the art to provide any type of reward in order to encourage a user to continue viewing advertisement content.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAMERON SAADAT whose telephone number is (571)272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cameron Saadat/  
Examiner, Art Unit 3714  
4/9/2008